

A New Castle City Board of Adjustment Hearing took place on April 6, 2006 at 7 p.m. in the City of New Castle's Town Hall.

Present: Mayor John F. Klingmeyer
David Athey, City Engineer

Absent: Gerard Kavanaugh, City Solicitor

Mayor Klingmeyer called the meeting to order at 7:05 p.m. He introduced City Engineer David Athey and noted that Mr. Kavanaugh would not be present due to illness.

The Mayor read the Notice of Public Hearing that states, "An application has been filed by Steven A. Handy for property located at 125 Stuyvesant Avenue, Van Dyke Village, New Castle, Delaware, Parcel Number 21-007.00-150, seeking variances from the required minimum front setback and maximum building bulk, to permit the construction of a one-story, 24 by 33 foot addition to the rear of the existing residence. For the purpose of considering this application, the Board of Adjustment will hold a public hearing on Thursday, April 6, 2006, at 7 p.m. in Old Town Hall, 2nd floor, located at 201 Delaware Street, New Castle, Delaware."

We have an affidavit of publication from the New Castle Weekly that the notice was posted on March 22, 2006 and an affidavit from the NewsJournal that notice was published on March 22, 2006. We also have the Board of Adjustment application for the hearing; Mr. Handy confirmed he had submitted his payment on 3/16/06 and the mortgage inspection plan from East Coast Survey.

Mr. Handy approached the Board and gave a brief presentation detailing his application. An attachment to the application was read. "Applicant is requesting a variance from the required front yard setbacks of 30 feet to the existing conditions as shown on the attached survey to 26.6 feet (3.4' variance) along Stuyvesant Street and to 24.5 feet (5.5' variance) along Fourteenth Street; a variance to the maximum building bulk from the required 25% to 29.52% to permit construction if the proposed addition as shown on the attached survey is approved."

The Mayor also referenced a letter provided by a neighbor on Baldt Avenue, Kenneth Henratty, stating he has no objection. Mr. Handy added that another neighbor, Dave Jones, has no objection but did not provide any documentation to this effect.

Jeff Bergstrom, Building Inspector, was asked to give some background on the application. The survey is showing a 25 foot setback line; the mortgage survey is technically incorrect and should read 30 feet. It has been Mr. Bergstrom's observation that the entire subdivision was built with 25 foot front yard setbacks and from the time the subdivision was built until the time the modern zoning code was adopted there was a change upgrading the required front yard setback bringing almost every home in the subdivision to non-conforming. The National Building Code in the R1 district is 25%, which is nearly exactly what the home is.

Mr. Athey asked what the dimensions of the addition are. Mr. Handy responded they are 28 X 33 or about 3%. The existing house is just under 25%; with the addition it would be 29-1/2%.

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Mr. Athey asked if there are any other additions of this nature in the general area. Mr. Handy said there have been other additions with no variances to his knowledge. Mr. Athey feels there are two distinct variances in one; if the house was built before the modern zoning code that is no fault of the applicant. The other is the addition and weigh what the impact would be to the neighborhood.

Mr. Leon DiAscanis commented this is a corner lot and has a distinctive feature compared to interior lots. There is one house on one side with the other side open. The nearest house is 110 feet. This variance should be waived. In Van Dyke there are many lots that are over the usual size; it is a very attractive development. The Mayor read a checklist that the Board of Adjustment must go through before reaching a decision.

Mr. Athey said the granting of the variance would not grant the applicant any special privilege and has no problems with it.

Mr. Athey made a motion to grant the applicant the variances as stated in the attachment to the application to the Board of Adjustment. The Mayor agrees with Mr. Athey's reasons for granting the variances. The motion passed unanimously.

The Mayor is on record stating that this applies only to this specific case and is not a general interpretation throughout the district.

The hearing was adjourned at 7:30 p.m.

Respectfully submitted,

Debbie Turner
Stenographer